

REMARKS

Claims 1 and 4-9 are all the claims pending in the application.

In summary, the Examiner has maintained his previous rejections. Specifically, claims 1, 4, and 5 remain provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-4 and 5-6 of copending Application No. 10/675953. Claims 1 and 4-9 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinden et al. (RFC 2373, "IP Version 6 Addressing Architecture"), hereafter Hinden, and Marttinen et al. (US 6222853), hereafter Marttinen.

Provisional Obviousness-Type Double Patenting Rejections - Claims 1, 4, and 5

As indicated above, the Examiner has maintained the previous provisional rejections of claims 1, 4, and 5 on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-4 and 5-6 of App '953.

In response, Applicants continue to request that the Examiner hold this rejection in abeyance until one or the other of the two pending applications issues as a patent. Specifically, according to MPEP § 804 I.B., if a provisional double patenting rejection in one application is the only rejection remaining, then the Examiner should withdraw the provisional rejection and permit that application to issue as a patent, thereby converting the provisional double patenting rejection in the other application, e.g., the App '953 application, into a bona fide double patenting rejection at the time the one application issues as a patent. Thus, if all other claim rejections are withdrawn in the present application, claims 1, 4, and 5 should be found allowable and the present application should be permitted to issue as a patent.

§103(a) Rejections (Hinden / Marttinen) - Claims 1 and 4-9

With respect to the prior art rejection, the Examiner has maintained his previous arguments and has added a few supplemental arguments in the *Response to Arguments* section of

the current Office Action. However, the *Response to Arguments* section of the current Office Action reflects substantially similar arguments to the Examiner's previously presented arguments.

In response, Applicant submits the following additional arguments in support of patentability of the claimed invention.

The present invention cannot be derived directly from the combination of Hinden and Marttinen. The device ID of Marttinen is generated by adapter (52) or the control consol (62). The device ID of Marttinen is a specific address system which is made by a specific device such as adapter (52) or the control consol (62), but is not one which is made by using IPv6 address system.

The present invention may use a conventional IPv6 address system to incorporate device type information, but Marttinen creates a new address system to incorporate device type information.

The present invention incorporates the device type information in conventional IPv6 address system, without changing the structure of the conventional IPv6 address system, for compatibility with the conventional address system.

Accordingly, since Marttinen creates a new address system containing device type information, though Hinden and Marttinen are combined, the combination of Hinden and Marttinen does not result in arranging the device type information in the IPv6 address system. The above-discussed feature of the present invention, i.e., arranging the device type information in the conventional IPv6 address system, is taught in neither Hinden nor Marttinen. Therefore, Applicant submits that the combination of Hinden and Marttinen would not have and does not result in the arrangement of features as set forth in the claimed invention.

At least based on the foregoing, Applicant submits that the claimed invention is patentably distinguishable over the applied references, alone or in combination.

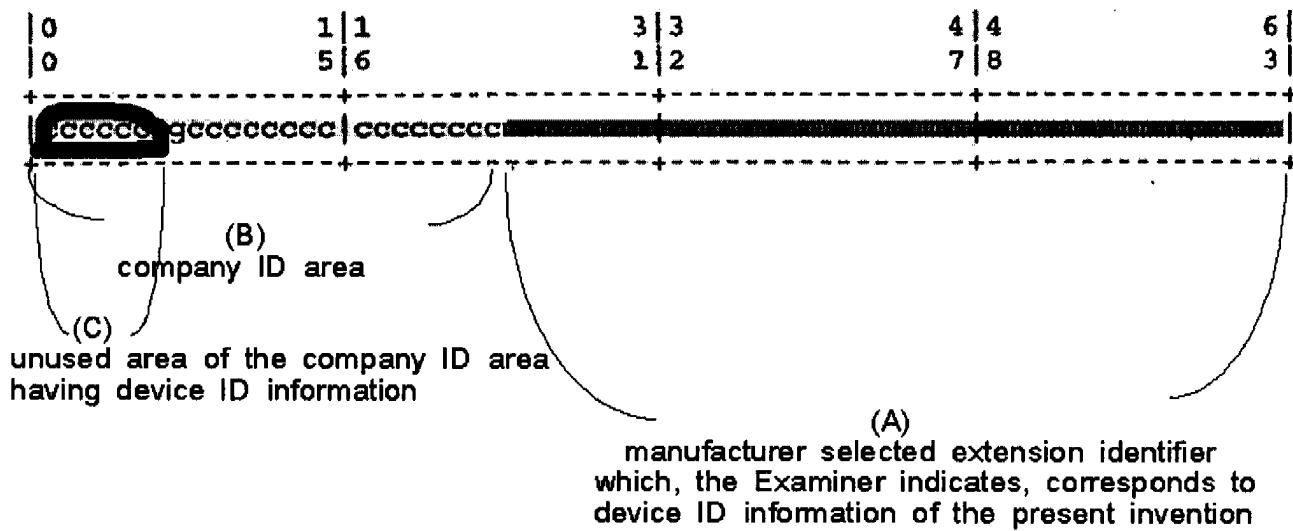
Yet further, Applicants maintain the previously submitted arguments as set forth below.

That is, Applicant submits that device ID information of exemplary embodiments of the claimed invention can be arranged in unused area (C) among the company ID area (B).

However, the part which the Examiner alleges corresponds to the claimed device ID information is the manufacturer selected extension identifier (A). As seen from the Figure herein below, (C) is absolutely different from extension identifier (A). Applicants do not understand why the Examiner thinks that (C) is the same as (A).

The claimed invention can use a part of a company ID area (B), i.e., the unused area in the company ID area (B) to represent device ID information, but the applied art does not disclose using the unused area among the company ID area (B) to represent device ID information.

Figure:



Further, Applicant submits that the Examiner is obviously utilizing impermissible hindsight reasoning in concluding that the general concept of the teachings of the applied art

would render the claimed invention obvious, and that the above-discussed features are simply a matter of design choice. Nowhere does the applied art even mention, "identifying the devices using device ID information for identifying types of the devices recorded in the device ID area, and unique number assigned to the devices recorded in the serial number area," and "wherein the device ID area is located between the company ID area and the serial number area." Therefore, the conclusion of the Examiner that simply because the applied art allegedly shows a company idea area and a manufacturer selected extension identifier does not render the specific features of "identifying the devices using device ID information for identifying types of the devices recorded in the device ID area, and unique number assigned to the devices recorded in the serial number area," and "wherein the device ID area is located between the company ID area and the serial number area," as being satisfied.

Further, on pages 5-6 of the Office Action dated November 10, 2008, the Examiner alleges, in part:

To further clarify, Hinden discloses the EUI-64 format, as well as the general format of an IPv6 network address, as well as using a portion of the address as an area for a serial number. It has been mapped in the pending Office Action where in Hinden these items can be found. The Examiner admits that Hinden does not disclose an area for identifying a type of device. However, Marttinen teaches the use of an area in an address to identify a type of the device. The combination of Hinden and Marttinen does not specifically teach where in the address the field containing the device should be however, this is an obvious design choice to one of ordinary skill in the art because the placement of the field within one byte or another of the address does not provide unexpected results.

In response, Applicant submits that the Examiner has failed to support his assertion with factual evidence or a persuasive line of reasoning. The Examiner's characterization of the claimed limitation as "an obvious design choice" is merely an unsupported, generalized

conclusion, and not a reason or showing, as required to support the rejection. Producing of unexpected results is only one of many factors that can be used to determine obviousness or non-obviousness, thus the Examiner's conclusion that the above-discussed feature is obvious based on a consideration of only one of many factors should not be dispositive.

As such, the Examiner is requested to supply appropriate objective factual support or to withdraw the rejection.

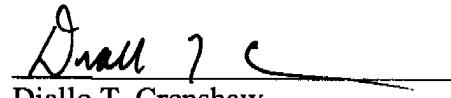
At least based on the foregoing, Applicant submits that independent claims 1 and 4 are patentably distinguishable over the applied references, either alone or in combination.

Applicant submits that dependent claims 5-9 are patentable at least by virtue of their respective dependencies from independent claims 1 and 4.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Diallo T. Crenshaw
Registration No. 52,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
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